

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

AUG 6 2004

PATRICK FISHER
Clerk

DAOUDA TOURE,

Petitioner,

v.

JOHN ASHCROFT,

Respondent.

No. 04-9570
(BIA No. A77-779-185)
(Petition for Review)

ORDER AND JUDGMENT *

Before **SEYMOUR** , **EBEL** , and **MURPHY** , Circuit Judges.

After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

On July 16, 2004, we directed petitioner Daouda Toure to show cause within fourteen days why his petition for review should not be dismissed for lack

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

of jurisdiction. On July 21, 2004, the government filed a motion to dismiss. Petitioner's response to our show cause order was due by July 30, 2004. Having received no response, we hold that we lack jurisdiction over petitioner's petition for review for the reasons set out in our July 16 order. Accordingly, the motion to dismiss is GRANTED, and the petition for review is DISMISSED for lack of jurisdiction.

ENTERED FOR THE COURT
PER CURIAM